

PINILISHALPERN, LLP
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The Vespi Law Firm
547 Union Blvd.
Totowa, New Jersey 07660
Attorneys for Plaintiff
File No. 11848

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GERARD "JERRY" SPEZIALE,

Plaintiff,

v.

PORT AUTHORITY OF NEW YORK/NEW
JERSEY, DAVID WILDSTEIN, ET ALS,

Defendants.

Civil Action No. 2:14-cv-02890 JLL-JAD

**AFFIDAVIT OF GABRIEL H.
HALPERN IN SUPPORT OF
REQUEST FOR ENTRY OF
DEFAULT**

State of New Jersey)
) SS:
County of Morris)

GABRIEL H. HALPERN, being duly sworn, deposes and says:

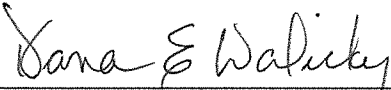
1. I am counsel of record of Plaintiff and have personal knowledge of the facts set forth herein.
2. Service of the summons and complaint was attempted on Defendant David Wildstein by process server unsuccessfully. See copy of return of service attached as Exhibit A.
3. In July 2014, Plaintiff filed a motion for substituted service. Plaintiff's motion was granted. See copy of order for substituted service attached as Exhibit B.
4. By letter dated August 25, 2014, I served a copy of the summons and complaint on Defendant David Wildstein by regular and certified mail. See copy of letter attached as Exhibit C.

5. The certified mailing was returned to this office unclaimed, the regular mailing has never been returned. Accordingly, service has been effectuated.
6. The time within which Defendant David Wildstein is required to file an Answer has long expired. Further, Defendant Wildstein has made no application to enlarge the time in which he may respond.
7. This Affidavit is executed by affiant in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, for the purpose of enabling Plaintiff to obtain an entry of default against Defendant David Wildstein for failure to file an Answer to Plaintiff's Complaint.

By: _____

Gabriel H. Halpern

Sworn to and subscribed before
me this 17th day of October, 2014.



DANA E. WALICKY

Notary Public

A Notary Public of New Jersey

My Commission Expires March 16, 2019

EXHIBIT A

New Jersey Lawyers Service
2333 U.S. Hwy 22 West
Union, New Jersey 07083
908-686-7300



JOB # 125885

PLAINTIFF

GERARD JERRY SPEZIALE VS. PORT AUTHORITY OF NEW
YORK/NEW JERSEY, ET AL.

US DISTRICT COURT

DISTRICT OF NJ

DOCKET 2:14-CV-02890-JLL-JAD

DEFENDANT

AFFIDAVIT OF SERVICE

FileRef#

PINILIS HALPERN LLP

GABRIEL H. HALPERN

160 MORRIS STREET

MORRISTOWN NJ 07960

(973) 401-1111

Papers Served: SUMMONS, VERIFIED COMPLAINT

ATTEMPTED MADE 5/16, 5/20 AND 5/23. THERE WAS NO RESPONSE AT THE DOOR. OBSERVED 3 CARS IN THE DRIVEWAY. LIGHTS ARE ON IN THE DRIVEWAY, DOGS BARKING INSIDE. SOMEONE IS HEARD INSIDE QUIETING THE DOGS, HOWEVER, THEY ARE REFUSING TO ANSWER THE DOOR.

Person served at location stated:

DAVID WILDSTEIN

9 ROCHON CT.

MONTVILLE NJ 07045

Served Successfully ☐ Not Served ☒ Date 5/23/2014

Time 7:55 PM

Attempts: _____

____ Delivered a copy to him/her personally

____ Left a copy with a competent household member over 14 years of age residing therein (indicate name, relationship at right)

Name of Person Served and relationship/title:

____ Left a copy with a person authorized to accept service, e.g., managing agent, registered agent, etc. (indicate name, official title at right)

NOT SERVED

Description of Person Accepting Service:

Sex:

Age:

Weight:

Skin Color:

Hair Color:

Military Service I asked the person whether recipient was in active military service of the United States or the State of New Jersey in any activity whatever and received a negative reply. Recipient wore civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversation and observation above narrated.

Subscribed and Sworn to me this 2 day of JUNE 2014

I LINDA WILCZYNSKI, at the time of service a competent adult not having a direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct.

JESSICA PETERSON
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Dec. 11, 2018

Linda Wilczynski

125885


RETURN OF SERVICE		
Service of the Summons and complaint was made by me (I)	DATE	5/23/14
NAME OF SERVER (PRINT) Linda Wilczynski	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served: _____</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Name of person with whom the summons and complaint were left: _____</div> <div style="margin-bottom: 10px;"><input checked="" type="checkbox"/> Returned unexecuted: Attempted 5/16, 5/20, & 5/23. No response at the door. Dogs barking inside. Someone inside is quieting the dogs, but there is no response at the door.</div> <div><input type="checkbox"/> Other (specify): _____</div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on	<div style="text-align: center;"> <u>5/23/14</u> Date </div>	<div style="text-align: center;">  Signature of Server </div> <div style="text-align: center; margin-top: 10px;"> <u>NEW JERSEY LAWYERS SERVICE</u> 2333 U.S. Route 22 West Post Office Box 36 Union, New Jersey 07083 </div>

EXHIBIT B

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GERARD "JERRY" SPEZIALE,

Plaintiff,

v.

PORT AUTHORITY OF NEW YORK/NEW
JERSEY, DAVID WILDSTEIN, ET ALS,

Defendants.

Civil Action No. 2:14-cv-02890 JLL-JAD

**ORDER FOR SUBSTITUTED
SERVICE**

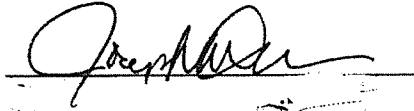
This matter having been presented to the Court on motion filed by Gabriel H. Halpern counsel for Plaintiff, and the Court having considered the documents submitted and the argument of counsel, and good cause appearing,

IT IS on this 6th day of August, 2014,

ORDERED as follows:

1. Plaintiff may serve a Summons and copy of the "filed" Complaint and Civil Case Cover Sheet in this matter upon the Defendant, David Wildstein by forwarding same simultaneously via regular and certified mail, return receipt requested.

SO ORDERED:



**Hon. Joseph A. Dickson
United States Magistrate Judge**

EXHIBIT C



Gabriel H. Halpern
ghalpern@PinilisHalpern.com
Certified by the Supreme Court of New Jersey as a Civil Trial Attorney

August 25, 2014

VIA REG. & CERT. MAIL, R/R/R

David Wildstein
9 Rochon Court
Montville, New Jersey 07045

**Re: Gerard "Jerry" Speziale v. Port Authority of NY/NJ, et al
Civil Action No. 2:14-cv-02890 JLL JAD
File No. 11848**

Dear Mr. Wildstein:

Per the attached Order, served on you herewith please find the following:

1. Summons;
2. Complaint and Civil Cover Sheet.

Very truly yours,

FILE COPY
DANA E. WALICKY
Assistant to Gabriel H. Halpern

:dew
Enclosures